

Assembly Bill No. 1951

CHAPTER 334

An act to amend, repeal, and add Sections 102425 and 102430 of, to add Sections 102425.1 and 102425.2 to, and to repeal Section 102150 of, the Health and Safety Code, relating to vital records.

[Approved by Governor September 15, 2014. Filed with
Secretary of State September 15, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1951, Gomez. Vital records: birth certificates.

Existing law prescribes the duties of the State Registrar of Vital Statistics and local registrars of births and deaths with respect to the registration of a live birth. Under existing law, a certificate of live birth is required to contain, among other things, the full name, birthplace, and date of birth of both the father and mother of a child, except as provided.

Existing law provides for the Vital Statistics Advisory Committee, which, among other things, is required to review and make recommendations to the State Registrar as to proposals for addition or deletion of items on the certificate of live birth and advise the State Registrar on the content and format of the certificate. Existing law requires the State Registrar to publish within 30 days of receipt of recommendations by the committee, both a list of the recommendations adopted and a list of the recommendations not adopted, with reasons for the action.

This bill would, commencing January 1, 2016, instead require the State Registrar, with regard to identification of the parents, to modify the certificate of live birth to contain 2 lines that both read "Name of Parent" and contain, next to each parent's name, 3 checkboxes with the options of mother, father, and parent to describe the parent's relationship to the child. The bill would also require that all local registrars, deputy registrars, and subregistrars use the modified certificate of live birth, update all forms to incorporate the modification, and discard all forms in use before the modification.

The bill would, for a birth occurring prior to January 1, 2016, authorize a parent to amend specified parental titles on the certificate of live birth to the parent relationship designation described above. The bill would require, if the birth mother is listed on the certificate of live birth, the birth mother's name, date of birth, and place of birth to be linked to her medical and social information, and would require that the linkage be confidential, as specified. The bill would make technical and conforming changes.

The people of the State of California do enact as follows:

SECTION 1. Section 102150 of the Health and Safety Code is repealed.

SEC. 2. Section 102425 of the Health and Safety Code is amended to read:

102425. (a) The certificate of live birth for any live birth occurring on or after January 1, 1980, shall contain those items necessary to establish the fact of the birth and shall contain only the following information:

- (1) Full name and sex of the child.
- (2) Date of birth, including month, day, hour, and year.
- (3) Place of birth.
- (4) Full name of the father, birthplace, and date of birth of the father including month, day, and year. If the parents are not married to each other, the father's name shall not be listed on the birth certificate unless the father and the mother sign a voluntary declaration of paternity at the hospital before the birth certificate is prepared. The birth certificate may be amended to add the father's name at a later date only if paternity for the child has been established by a judgment of a court of competent jurisdiction or by the filing of a voluntary declaration of paternity.
- (5) Full birth name of the mother, birthplace, and date of birth of the mother including month, day, and year.
- (6) Multiple births and birth order of multiple births.
- (7) Signature, and relationship to the child, of a parent or other informant, and date signed.
- (8) Name, title, and mailing address of the attending physician and surgeon or principal attendant, signature, and certification of live birth by the attending physician and surgeon or principal attendant or certifier, date signed, and name and title of the certifier if other than the attending physician and surgeon or principal attendant.
- (9) Date accepted for registration and signature of local registrar.
- (10) A state birth certificate number and local registration district and number.
- (11) A blank space for entry of the date of death with a caption reading "Date of Death."

(b) In addition to the items listed in subdivision (a), the certificate of live birth shall contain the following medical and social information, provided that the information is kept confidential pursuant to Sections 102430 and 102447 and is clearly labeled "Confidential Information for Public Health Use Only":

- (1) Birth weight.
- (2) Pregnancy history.
- (3) Race and ethnicity of the mother and father.
- (4) Residence address of the mother.
- (5) A blank space for entry of census tract for the mother's address.
- (6) Date of first prenatal care visit, the number of prenatal care visits, and commencing January 1, 2007, the date of last prenatal care visit.

(7) Date of last normal menses and, commencing January 1, 2007, an obstetric estimate of completed weeks of gestation at delivery.

(8) Description of complications and procedures of pregnancy and concurrent illnesses, congenital malformation, and any complication or procedure of labor and delivery, including surgery, provided that this information is essential medical information and appears in total on the face of the certificate.

(9) Commencing January 1, 2007, hearing screen results.

(10) Mother's and father's occupations and kind of business or industry.

(11) Education level of the mother and father.

(12) Principal source of payment for prenatal care, which shall include the following: Medi-Cal, private insurance, self-pay, other sources, and any other categories as may be determined by the State Department of Public Health.

(13) Expected principal source of payment for delivery, which shall include the following: Medi-Cal, private insurance, self-pay, other sources, and any other categories as may be determined by the State Department of Public Health.

(14) An indication of whether or not the child's parent desires the automatic issuance of a social security number to the child.

(15) On and after January 1, 1995, the social security numbers of the mother and father, unless subdivision (d) applies.

(c) When an objection is made by either parent to the furnishing of the information specified in paragraphs (3), (10), and (11) of subdivision (b) for the confidential portion of the certificate of live birth, this information shall not be required to be entered on that portion of the certificate of live birth.

(d) A parent is not required to disclose his or her social security number as required by paragraph (15) of subdivision (b) if the parent has good cause for not disclosing his or her social security number. Good cause shall be defined by regulations adopted by the State Department of Social Services.

(e) Paragraph (8) of subdivision (b) shall be completed by the attending physician and surgeon or the attending physician and surgeon's designated representative. The names and addresses of children born with congenital malformations who require followup treatment, as determined by the child's physician and surgeon, shall be furnished by the physician and surgeon to the local health officer, if permission is granted by either parent of the child.

(f) The parent shall only be asked to sign the form after both the public portion and the confidential medical and social information items have been entered upon the certificate of live birth.

(g) (1) The State Registrar shall instruct all local registrars to collect the information specified in this section with respect to certificates of live birth. The information shall be transcribed on the certificate of live birth in use at the time and shall be limited to the information specified in this section.

(2) Information relating to concurrent illnesses, complications and procedures of pregnancy and delivery, and congenital malformations shall be completed by the physician and surgeon, or the physician and surgeon's

designee, who shall insert in the space provided on the confidential portion of the certificate the appropriate number or numbers listed on the VS-10A supplemental worksheet. The VS-10A supplemental form shall be used as a worksheet only and shall not in any manner be linked with the identity of the child or the mother, nor submitted with the certificate to the State Registrar. All information transferred from the worksheet to the certificate shall be fully explained to the parent or other informant prior to the signing of the certificate. Questions relating to drug or alcohol abuse shall not be asked.

(h) (1) The Vital Statistics Advisory Committee, in accordance with Section 102465, shall conduct a review of the contents of the certificate of live birth to coincide with decennial revisions by the National Center for Health Statistics to the United States Standard Certificate of Live Birth. The Vital Statistics Advisory Committee shall make recommendations to the State Registrar regarding the adoption of modifications to the state certificate of live birth that are similar to those made to the federal certificate.

(2) Notwithstanding Section 102470, the State Registrar shall review the Vital Statistics Advisory Committee recommendations and, at the State Registrar's discretion, shall submit to the Legislature, for approval, additions or deletions to the certificate of live birth.

(i) This section shall be repealed on January 1, 2016.

SEC. 3. Section 102425 is added to the Health and Safety Code, to read:

102425. (a) The certificate of live birth for any live birth occurring on or after January 1, 2016, shall contain those items necessary to establish the fact of the birth and shall contain only the following information:

- (1) Full name and sex of the child.
- (2) Date of birth, including month, day, hour, and year.
- (3) Place of birth.

(4) Full name, birthplace, and date of birth of each parent, including month, day, and year, and the parental relationship of the parent to the child.

(A) The full name of the mother shall be the birth name of the mother.

(B) If the birth mother is one of the parents listed on the certificate of live birth, her name shall be placed on the second parent line.

(C) If the parents are not married to each other, the father's name shall not be listed on the birth certificate unless the father and the mother sign a voluntary declaration of paternity at the hospital before the birth certificate is submitted for registration. The birth certificate may be amended to add the father's name at a later date only if paternity for the child has been established by a judgment of a court of competent jurisdiction or by the filing of a voluntary declaration of paternity.

(5) Multiple births and birth order of multiple births.

(6) Signature, and relationship to the child, of a parent or other informant, and date signed.

(7) Name, title, and mailing address of the attending physician and surgeon or principal attendant, signature, and certification of live birth by the attending physician and surgeon or principal attendant or certifier, date

signed, and name and title of the certifier if other than the attending physician and surgeon or principal attendant.

(8) Date accepted for registration and signature of local registrar.

(9) A state birth certificate number and local registration district and number.

(10) A blank space for entry of the date of death with a caption reading "Date of Death."

(b) In addition to the items listed in subdivision (a), the certificate of live birth shall contain the following medical and social information, provided that the information is kept confidential pursuant to Sections 102430 and 102447 and is clearly labeled "Confidential Information for Public Health Use Only:"

(1) Birth weight.

(2) Pregnancy history.

(3) Race and ethnicity of the mother and father.

(4) Residence address of the birth mother.

(5) A blank space for entry of census tract for the birth mother's address.

(6) Date of first prenatal care visit, the number of prenatal care visits, and commencing January 1, 2007, the date of last prenatal care visit.

(7) Date of last normal menses and, commencing January 1, 2007, an obstetric estimate of completed weeks of gestation at delivery.

(8) Description of complications and procedures of pregnancy and concurrent illnesses, congenital malformation, and any complication or procedure of labor and delivery, including surgery, provided that this information is essential medical information and appears in total on the face of the certificate.

(9) Commencing January 1, 2007, hearing screen results.

(10) Mother's and father's occupations and kind of business or industry.

(11) Education level of the mother and father.

(12) Principal source of payment for prenatal care, which shall include the following: Medi-Cal, private insurance, self-pay, other sources, and any other categories as may be determined by the State Department of Public Health.

(13) Expected principal source of payment for delivery, which shall include the following: Medi-Cal, private insurance, self-pay, other sources, and any other categories as may be determined by the State Department of Public Health.

(14) An indication of whether or not the child's parent desires the automatic issuance of a social security number to the child.

(15) On and after January 1, 1995, the social security numbers of the mother and father, unless subdivision (d) applies.

(c) When an objection is made by either parent to the furnishing of the information specified in paragraphs (3), (10), and (11) of subdivision (b) for the confidential portion of the certificate of live birth, this information shall not be required to be entered on that portion of the certificate of live birth.

(d) A parent is not required to disclose his or her social security number as required by paragraph (15) of subdivision (b) if the parent has good cause for not disclosing his or her social security number. Good cause shall be defined by regulations adopted by the State Department of Social Services.

(e) Paragraph (8) of subdivision (b) shall be completed by the attending physician and surgeon or the attending physician and surgeon's designated representative. The names and addresses of children born with congenital malformations who require followup treatment, as determined by the child's physician and surgeon, shall be furnished by the physician and surgeon to the local health officer, if permission is granted by either parent of the child.

(f) The parent shall only be asked to sign the form after both the public portion and the confidential medical and social information items have been entered upon the certificate of live birth.

(g) (1) The State Registrar shall instruct all local registrars to collect the information specified in this section with respect to certificates of live birth. The information shall be transcribed on the certificate of live birth in use at the time and shall be limited to the information specified in this section.

(2) Information relating to concurrent illnesses, complications and procedures of pregnancy and delivery, and congenital malformations shall be completed by the physician and surgeon, or the physician and surgeon's designee, who shall insert in the space provided on the confidential portion of the certificate the appropriate number or numbers listed on the VS-10A supplemental worksheet. The VS-10A supplemental form shall be used as a worksheet only and shall not in any manner be linked with the identity of the child or the birth mother, nor submitted with the certificate to the State Registrar. All information transferred from the worksheet to the certificate shall be fully explained to the parent or other informant prior to the signing of the certificate. Questions relating to drug or alcohol abuse shall not be asked.

(h) (1) The Vital Statistics Advisory Committee, in accordance with Section 102465, shall conduct a review of the contents of the certificate of live birth to coincide with decennial revisions by the National Center for Health Statistics to the United States Standard Certificate of Live Birth. The Vital Statistics Advisory Committee shall make recommendations to the State Registrar regarding the adoption of modifications to the state certificate of live birth that are similar to those made to the federal certificate.

(2) Notwithstanding Section 102470, the State Registrar shall review the Vital Statistics Advisory Committee recommendations and, at the State Registrar's discretion, shall submit to the Legislature, for approval, additions or deletions to the certificate of live birth.

(i) This section shall become operative on January 1, 2016.

SEC. 4. Section 102425.1 is added to the Health and Safety Code, to read:

102425.1. (a) Notwithstanding Sections 102465 and 102470, the State Registrar of Vital Statistics, with regard to identification of the parents, shall modify the certificate of live birth to do both of the following:

(1) Contain two lines that both read "Name of Parent."

(2) Contain, next to each parent's name, three checkboxes to choose from with the following options to describe the parent's relationship to the child:

- (A) Mother.
- (B) Father.
- (C) Parent.

(b) (1) The certificate of live birth, as described in subdivision (a), shall be used by all local registrars, deputy registrars, and subregistrars.

(2) The local registrars, deputy registrars, and subregistrars shall update all forms to incorporate the modification and discard all forms in use before the modification described in subdivision (a).

(c) The parent or informant signing the certificate of live birth pursuant to paragraph (6) of subdivision (a) of Section 102425 shall determine which parent relationship designation, as described in subdivision (a), to select for each parent. The informant shall first consult with one of the parents in selecting the appropriate parent relationship designation, or, in the event that no parent is available, the informant shall not select any checkboxes.

(d) The parent relationship designations on a certificate of live birth described in subdivision (a) may be amended in the manner prescribed in Article 1 (commencing with Section 103225) if the amendment affidavit is signed by at least one parent.

(e) For all births occurring prior to January 1, 2016, a parent may amend, in the manner prescribed in Article 1 (commencing with Section 103225), the title of "Mother/Parent" and "Father/Parent" on the certificate of live birth to instead have one of the parent relationship designations specified in paragraph (2) of subdivision (a).

(f) This section shall become operative on January 1, 2016.

SEC. 5. Section 102425.2 is added to the Health and Safety Code, to read:

102425.2. (a) If the birth mother is one of the parents listed on the certificate of live birth pursuant to paragraph (4) of subdivision (a) of Section 102425, the birth mother's name, date of birth, and place of birth shall be linked to her medical and social information collected pursuant to subdivision (b) of Section 102425 and paragraph (2) of subdivision (a) of Section 102426. This linkage shall be confidential and may only be accessed, as permitted under subdivision (b) of Section 102426 and Section 102430.

(b) This section shall become operative on January 1, 2016.

SEC. 6. Section 102430 of the Health and Safety Code is amended to read:

102430. (a) The second section of the certificate of live birth as specified in subdivision (b) of Section 102425, the electronic file of birth information collected pursuant to subparagraphs (B) to (F), inclusive, of paragraph (2) of subdivision (a) of Section 102426, and the second section of the certificate of fetal death as specified in Section 103025, shall be confidential. Access to the confidential portion of any certificate of live birth or fetal death, and the electronic file of birth information collected pursuant to subparagraphs (B) to (F), inclusive, of paragraph (2) of subdivision (a) of Section 102426, shall be limited to the following:

- (1) Department staff.
 - (2) Local registrar's staff and local health department staff when approved by the local registrar or local health officer, respectively.
 - (3) The county coroner.
 - (4) Persons with a valid scientific interest as determined by the State Registrar, who are engaged in demographic, epidemiological or other similar studies related to health, and who agree to maintain confidentiality as prescribed by this part and by regulation of the State Registrar.
 - (5) The parent who signed the certificate or, if no parent signed the certificate, the mother.
 - (6) The person named on the certificate.
 - (7) Any person who has petitioned to adopt the person named on the certificate of live birth, subject to Section 102705 of the Health and Safety Code and Sections 9200 and 9203 of the Family Code.
- (b) The department shall maintain an accurate record of all persons who are given access to the confidential portion of the certificates. The record shall include: the name of the person authorizing access; name, title, and organizational affiliation of persons given access; dates of access; and specific purpose for which information is to be used. The record of access shall be open to public inspection during normal operating hours of the department.
- (c) All research proposed to be conducted using the confidential medical and social information on the birth certificate or fetal death certificate shall first be reviewed by the appropriate committee constituted for the protection of human subjects that is approved by the federal Department of Health and Human Services and has a general assurance pursuant to Part 46 of Title 45 of the Code of Federal Regulations. No information shall be released until the request for information has been reviewed by the Vital Statistics Advisory Committee and the committee has recommended to the State Registrar that the information shall be released.
- (d) This section shall be repealed on January 1, 2016.

SEC. 7. Section 102430 is added to the Health and Safety Code, to read:

102430. (a) The second section of the certificate of live birth as specified in subdivision (b) of Section 102425, the electronic file of birth information collected pursuant to subparagraphs (B) to (F), inclusive, of paragraph (2) of subdivision (a) of Section 102426, the birth mother linkage collected pursuant to Section 102425.2, and the second section of the certificate of fetal death as specified in Section 103025, shall be confidential. Access to the confidential portion of any certificate of live birth or fetal death, the electronic file of birth information collected pursuant to subparagraphs (B) to (F), inclusive, of paragraph (2) of subdivision (a) of Section 102426, and the birth mother linkage collected pursuant to Section 102425.2 shall be limited to the following:

- (1) Department staff.
- (2) Local registrar's staff and local health department staff when approved by the local registrar or local health officer, respectively.
- (3) The county coroner.

(4) Persons with a valid scientific interest as determined by the State Registrar, who are engaged in demographic, epidemiological or other similar studies related to health, and who agree to maintain confidentiality as prescribed by this part and by regulation of the State Registrar.

(5) The parent who signed the certificate or, if no parent signed the certificate, the mother.

(6) The person named on the certificate.

(7) Any person who has petitioned to adopt the person named on the certificate of live birth, subject to Section 102705 of the Health and Safety Code and Sections 9200 and 9203 of the Family Code.

(b) (1) The department shall maintain an accurate record of all persons who are given access to the confidential portion of the certificates. The record shall include all of the following:

(A) The name of the person authorizing access.

(B) The name, title, and organizational affiliation of persons given access.

(C) The dates of access.

(D) The specific purpose for which information is to be used.

(2) The record of access shall be open to public inspection during normal operating hours of the department.

(c) All research proposed to be conducted using the confidential medical and social information on the birth certificate or fetal death certificate shall first be reviewed by the appropriate committee constituted for the protection of human subjects that is approved by the federal Department of Health and Human Services and has a general assurance pursuant to Part 46 of Title 45 of the Code of Federal Regulations. Information shall not be released until the request for information has been reviewed by the Vital Statistics Advisory Committee and the committee has recommended to the State Registrar that the information shall be released.

(d) This section shall become operative on January 1, 2016.